

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

MICHAEL ANDREWS,	)	
	)	
Plaintiff,	)	8:14CV285
	)	
v.	)	
	)	
LUCIANO RIZZO, Officer, and	)	MEMORANDUM AND ORDER
MICHAEL BELCASTRO, City of	)	
Omaha Police Department	)	
Officer,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on defendants' motion (Filing No. [13](#)) to dismiss the complaint for failure to state a claim and plaintiff's motion (Filing No. [17](#)) to deny the defendants' motion. After reviewing the amended complaint (Filing No. [6](#)) and supporting material (Filing No. [7](#)), the Court allowed the plaintiff proceed with service of process on defendants in their individual capacities for violating Andrews' right to procedural due process (Filing No. [8](#), at 3-4). No other claim remains (*Id.*, at 5-6). The defendants have raised no new issue concerning procedural due process since the Court's prior order.<sup>1</sup>

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<sup>1</sup> The Court will not rule on the statute of limitation issue until evidence is adduced as to the time of filing and the incident.

IT IS ORDERED:

- 1) The defendants' motion (Filing No. [13](#)) is denied.
- 2) The plaintiff's motion (Filing No. [17](#)) is granted.

DATED this 14th day of July, 2015.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court